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February 20, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M. Street, N.W.
Washington, D.C. 20554

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RE: *Comments Upon Proposed Rule Making*
MM Docket 94-3
RM-8384
Silverton, Colorado

Dear Mr. Caton,

Herewith is an original, and three copies of *Comments Upon Rule Making* hereby filed in connection with the above referenced proceeding.

Please date-stamp and return one copy of the amendment to me in the prepaid self-addressed envelope.

The original and one copy should then be routed to the appropriate offices for processing pursuant to Section 1.420 of the Commission's rules.

If you have any questions relating to the enclosed material, kindly contact the undersigned.

Respectfully,

Caren Lacy
Caren Lacy
Petitioner
1885 Ponder Heights Drive
Colorado Springs, Colorado
80906-5888

FCC-17.sam
Enclosures

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

FEB 28 1994

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In the Matter of)
Amendment of Section 73.202(b))
Table of Assignments)
FM Broadcast Stations)
(Silverton, Colorado))

MM Docket 94-3
RM-8384

COMMENTS UPON PROPOSED RULEMAKING

Caren Lacy (Lacy hereafter), hereby submits her comments upon the Notice of Proposed Rulemaking in the above captioned proceeding.

1. Caren Lacy is the permittee of a Construction Permit at Durango, Colorado¹. Her construction at a designated BLM antenna farm site results in both interference and allocation conflicts with the existing allotment of channel 257A at Silverton, Colorado.

2. At the request of Lacy, on January 14, 1994 the Acting Chief, Allocations Branch, Policy and Rules Division, adopted a Proposed Rule Making, proposing a change in the Table of Allotments with respect to the allocation of channel 257A at Silverton, Colorado.

¹ The Construction Permit is identified as BPH-910227MG, KWXA-FM.

3. The Proposed Rule Making if approved, would effect the deletion of channel 257A at Silverton², or in the alternative, result in the substitution of Channel 224A³, should someone wish to apply for Class A service in that community.

4. The change in the allocation at Silverton as proposed, will resolve the conflict currently existing without detriment to any broadcast service, existing or proposed.

5. There are multiple vacant and available FM channels, as well as a Class IV AM facility available at Silverton. No commercial service exists there at the present time⁴.

6. For these, and the additional reasons detailed in the Notice of Proposed Rulemaking, Lacy submits that adoption of the Proposed Rule Making would be in the public interest.

7. Lacy affirms that she will promptly seek an amendment to her existing Construction Permit and construct her station as contemplated in her Petition for Rulemaking, and the Proposed Rule Making supported hereby.

9. All other data and representations made previously by Lacy are included herein by reference.

² The deletion of channel 257A is listed as "Option I" in the Proposed Rulemaking.

³ The substitution of channel 224A for Channel 257A is listed as "Option II" in the Proposed Rule Making.

⁴ On October 19, 1992 the Commission received an application for channel 279C2, and assigned file number BPH-921019MB. There is no record of any further proposed use of any allotment at Silverton.

Respectfully submitted,

A handwritten signature in cursive script that reads "Caren Lacy".

Caren Lacy

1885 Ponder Heights Drive

Colorado Springs, Colorado 80906

(719) 636-2470

Dated February 18, 1994

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